State of Vermont Agency of Human Services Department of Corrections	cy of Human Services rtment of Corrections #371.04 Title: Custody/Security Assignment in a Correctional Facility #371.04 Revised; Supers dated 12/30/02 at the corrections		Page 1 of 12
Chapter (This will be assigned by PDU.)			
Attachments, Forms & Companie 1. Recommendation for Close Customerical Companies of the Co			
Local Procedure(s) Required? N Applicability: All Facility Staff (in			

POSTED FOR COMMENT

OCTOBER 27th-NOVEMBER 10th, 2011

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1 **PURPOSE**

- 2 The purpose of this administrative directive is to establish Vermont Department of Corrections
- 3 guidelines for the classification and placement of inmates in custody statuses while housed in a
- 4 Vermont correctional facility. This directive will establish the custodial levels and define conditions
- 5 of confinement for the higher custody level of close custody.

POLICY

- 7 It is the policy of the Department of Corrections to classify and assign offenders to custody levels that
- 8 ensures that they reside in humane conditions, which promote safety within the facility to both staff
- 9 and inmates, while addressing the individual's security risk within the facility. Most inmates will
- 10 reside in general population living conditions based on their custody level, while those with higher
- custody levels may reside in a close custody living unit or other appropriate setting dependent upon
- 12 special need.

13 **AUTHORITY**

14 28 V.S.A. § 102.

15 **REFERENCE**

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition 2003,
- 17 Standards 4-4295, 4-4296, 4-4299, 4-4300, 4-4301. #321.01 Offender/Inmate Property, #371.05
- 18 Offender Case Planning, #406.01 Inmate Instate Transportation Facilities, #410.03 Placement on
- 19 Administrative Segregation, #410.05 Protective Custody, #410.06 Restrictive Housing Status,
- 20 Conditions of Confinement; #413.10 Use of Restraint Chair.

21 **DEFINITIONS**

- 22 <u>Administrative Segregation</u>: A form of separation from the general population when the continued
- presence of the inmate in general population would pose a serious threat to life, property, self, staff or
- other inmates or to the security (e.g., escape planning) or orderly running of the institution (e.g.,
- 25 chronic, repetitive discipline problem). Inmates pending investigation for trial on a criminal act or
- 26 pending transfer may also be included if they pose a threat.
- 27 <u>Close Custody</u>: A custody level, based in part on the Conviction Violation Summary (CVS)
- assessment tool score, assigned to those inmates who present a serious risk of escape, violence and/or
- 29 disruption to the safe, secure and orderly operation of a Department of Corrections facility.
- 30 Close Custody Management Team (CCMT): A committee designated by the Facility Superintendent
- 31 to review each case of an inmate on Close Custody. The committee will normally be composed of a
- 32 case management staff member, custody supervisor, and a facility mental health provider.
- Conviction Violation Summary (CVS): A computer-generated assessment tool used to determine an
- inmate's custody level. The assessment tool reviews the following areas of an inmate's record to
- 35 determine their custody level:
- Institutional behavior, to include disciplinary reports
- Current offense
- Prior offenses
- Felonies and misdemeanors
- Escape history
- Alcohol and drug use history
- Severity of current charges
- Any current detainer
- Stability factors such as age and education level

compromise the safe and orderly operations of the facility.

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45 The computer-generated form assigns a value to each area and ultimately gives a final score that equates to a custody level. 46 Custody Level: One of three levels (minimum, medium and close) used to determine where 47 48 offenders are housed, how transported, where institutional work opportunities and program opportunities may be available, and what level of supervision is used with that offender. The level is 49 based in part on the Conviction Violation Summary (CVS) assessment tool score. 50 51 Custody Level Designators: The CVS assessment tool generates an inmate's custody level via a value 52 score and is designated in the VTDOC database using the following designators: 53 2 – Indicates a minimum custody inmate 54 3 – Indicates a medium custody inmate 55 4 – Indicates a close custody inmate with the following qualifiers: 56 A - a new admission 57 S - a sentenced individual R – a re-classification. 58 U – an override up from one custody classification to another 59 D – an override down from one custody classification to another 60 61 <u>Detainees</u>: Offenders in civil and criminal actions committed to the Commissioner pending prosecution. Disciplinary Segregation: A form of separation from the general population in which inmates 62 63 committing serious violations of conduct regulations are confined for short periods of time to cells separated from the general population. Placement in disciplinary segregation may occur only after 64 finding a rule violation at a due process hearing and when there is not an adequate alternative 65 disposition to regulate the inmate's behavior. 66 SFI-designated Inmate: An inmate designated by the DOC Chief of Mental Health Services to be 67 68 severely functionally impaired, based on an inmate's diagnosis and functioning during incarceration and the recommendation of DOC medical and mental health providers. 69 Security Threat Group (STG): Any association or group of individuals, either formal or informal that 70 71 may have a common name or identifying symbol, and whose members engage in activities that 72 include, but are not limited to, planning, organizing, threatening, financing, soliciting, committing or attempting to commit unlawful acts that would violate the Department's written rules, and which 73

PROCEDURAL GUIDELINES

1. Overview

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- a. Upon entry into a Vermont Department of Corrections facility, and within five (5) business days, DOC casework staff will review and classify all individuals (detainees, sentenced, and transfers) by completing the Conviction Violation Summary (CVS) instrument and conducting VT/FBI record checks.
- b. The CVS instrument will be updated when there is a status change; e.g., going from a detainee
 (D) to sentenced (S), or from sentenced (S) to sentenced/detained (S/D), or when there is any
 institutional behavior that would change the scoring as a result of disciplinary reports,
 documented investigative outcomes, documented intelligence of Security Threat Group
 activity, etc.
 - c. Within a facility, there are three (3) custody levels: minimum, medium and close as determined by the CVS score. The custody levels are used to determine where an inmate is housed, how the inmate is transported, availability of institutional work opportunities, availability of program opportunities and what level of supervision is used with that inmate.
- d. Inmates classified to minimum or medium custody levels will generally be assigned to general
 population living units, unless special needs (medical, mental health, or protective custody),
 behavior (segregation) or programmatic participation requires different housing.
- e. Inmates classified as close custody will be housed in a designated close custody living unit, unless special needs (medical, mental health, or protective custody) or behavior (segregation) requires different housing, or in general population after an override down as authorized by the Facility Superintendent.

2. General Conditions of Confinement

- a. Housing areas for all inmates shall be well-ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all times. Each cell shall normally be equipped with beds for each inmate living in the cell.
- b. Each inmate will be allowed to possess clothing quantities in accordance with the administrative directive on inmate property (Administrative Directive #321.01). Indigent inmates will be provided an adequate amount of clothing (or uniforms in uniformed facilities) if they cannot afford it. At no time will inmates be deprived of clothing, or in certain circumstances a suicide smock, as a means of punishment.
- 106 c. Inmates will be provided opportunities for personal hygiene and hair care services. All living
 107 units are equipped with shower and toileting facilities. The possession and amounts of
 108 hygiene products that inmates may possess are in accordance with the administrative directive
 109 on inmate property (321.01.)
 - d. Access to linen and laundry services will be available to all inmates in all housing assignments and custody levels.

112 e. Inmates, regardless of housing assignment, will be given access to available programs and services within the facility, to include, but not limited to, access to courts and the law library, 113 telephones, social and privileged mail, access to caseworkers, access to grievance and request 114 115 processes, education, health and mental health services, food services, recreation, religious services, commissary, and visiting. The specific manner in which all individuals access these 116 services may differ from facility to facility. Services provided to inmates on Administrative 117 Segregation or Disciplinary Segregation are specified in the administrative directive #410.06 118 119 Restrictive Housing Status, Conditions of Confinement.

3. Close Custody Conditions of Confinement:

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- a. Classification to Close Custody indicates that an inmate requires an increased level of supervision and control due to the risk posed to public safety or institutional order and security. Close Custody status, as indicated by 4A, 4S, 4R & 4U designators*, includes, but is not limited to, 1) those risks due to a custodial escape history (actual, attempted, or conspiracy); 2) a poor institutional adjustment based upon recent involvement in violent acts; and 3) involvement in behavior that threatens the security of the facility (such as tampering with security devices, trafficking in contraband, possession of escape tools, defeating restraint devices, instrumental in organizing or carrying out a major facility disturbance, or being an active participant in an identified Security Threat Group).
- *See Definitions: Custody Level Designators.
- b. The VTDOC recognizes three facilities for maintaining close custody male inmates: the
 Northwest State Correctional Facility, the Northern State Correctional Facility and the
 Southern State Correctional Facility. Female inmates in a close custody status will be
 maintained within the designated female correctional facility in the same manner prescribed within this directive.
 - c. All close custody housing units will be staffed with at least one (1) COII at all times. These staff members will be trained and equipped with OC pepper spray/foam and trained in the use of the restraint chair (Administrative Directive #413.10.)
 - d. Inmates classified to close custody will be assigned to live in a close custody living unit based upon recent behavior and/or recommendation from the Close Custody Management Team (CCMT), and approval from the Facility Superintendent. The following will apply:
 - (1) Close Custody inmates will be afforded the same rights and privileges as indicated in Section 2e. The manner and location by which services are delivered may differ due to security restrictions; e.g., meals served in the dayroom as opposed to the dining hall.
 - (2) Close Custody inmates will be eligible for limited facility jobs in direct connection with the close custody living unit; e.g., laundry, unit cleaner, etc. Vocational job opportunities may be available if the job can be performed within the close custody living area.
 - (3) Close Custody inmates will have no less than six (6) hours out- of-cell time per day. Out-of-cell time will be at the same time as other inmates; however, no more than

- eight (8) close custody inmates will be out of their cells in the same living unit at the same time.
 - e. Close Custody inmates who are overridden down to medium custody (3D) based upon recent behavior or a recommendation from the Close Custody Management Team may reside in general population and will be eligible for facility jobs that 1) do not involve public contact, and 2) do not provide opportunities for direct access to outside the secure confines of the facility; e.g., public lobby, loading docks, grounds crews outside the perimeter fence, etc.
 - f. Inmates designated as seriously functionally impaired (SFI), and who score at a close custody level via the CVS (or are overridden by approval of the Facility Superintendent), may be placed in a Close Custody living unit as long as no contraindications exist to prohibit this type of housing as determined by a mental health provider (QMHP) and/or the facility Mental Health Treatment Team.
 - g. All inmates will be physically observed by a Correctional Officer at intervals no longer than every thirty (30) minutes, unless otherwise placed on special observation. Documentation of each physical observation will be made in the unit logbook; one (1) logbook entry for all inmates in the unit is acceptable.
 - h. Personal Property and Clothing Each Close Custody inmate will wear a red uniform. Property allowances for personal items other than outer clothing are the same as general population unless restricted/removed via a due process hearing.
 - i. Caseworker Access An assigned caseworker will tour the Close Custody living unit each week. The focus of casework should center on any needed Offender Case Plan, risk reduction/behavior change planning, and re-entry planning as appropriate.
 - j. Supervisor/Management Access Each shift a Shift Supervisor is required to tour and inspect the Close Custody living unit. The purpose of each tour should focus on the conditions of confinement, interaction with the population, and addressing any issues discovered through the assigned Correctional Officer, or from their interaction with the inmate population.
 - k. The Security and Operations Supervisor will tour and inspect the Close Custody living unit no less than three (3) times per week. The purpose of each tour should focus on the conditions of confinement, interaction with the population, and addressing any issues discovered through the assigned Correctional Officer, or from their interaction with the inmate population
 - 1. The Assistant Superintendent and Superintendent will tour and inspect the Close Custody living unit at least (1x week) weekly. The purpose of each tour should focus on the conditions of confinement, interaction with the population, and addressing any issues discovered through the assigned Correctional Officer, or from their interaction with the inmate population

4. Close Custody Management Team and Central Office Oversight

a. Each facility with a designated Close Custody living unit will establish a Close Custody Management Team (CCMT) comprised of, but not limited to, case management staff, a custody supervisor (SOS or Correctional Facility Shift Supervisor), and a mental health

- 189 provider (QHMP) Additional participants may be designated by the Facility Superintendent 190 depending upon individual cases being reviewed (e.g., Intelligence Team or Unit Officer). The custodial supervisor will act as the lead and coordinator of the CCMT, ensuring all 191 192 required reviews are held and all communication to the Facility Superintendent occurs.
- 193 b. The CCMT will meet (1x week) weekly to review all new placements and to conduct thirty 194 (30) and sixty (60) day reviews.
 - c. The Director of Facility Operations and Director of Community Corrections, Re-entry, & Classification will meet no less frequently than each six (6) months to conduct a review of all Close Custody placements longer than 90 days to ensure the requirements of this directive are followed and to ensure Close Custody placements are appropriate. For these reviews, the Director of Community Corrections, Re-entry, & Classification will prepare a list of individuals who have been in Close Custody housing longer than 90 days and forward it to each affected facility's Living Unit Supervisor. The LUS will respond with a complete Close Custody Packet on each offender.
 - d. The Close Custody Packet will include the Recommendation for Close Custody Housing Form (Attachment 1) completed with the Superintendent's approval, all supporting documentation for placement into close custody (UIRs, DRs, facility intelligence reports, etc.), and behavioral plans.

5. Criteria for Close Custody Housing

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- 208 The following will apply regarding criteria for placement:
- 209 a. Inmates who naturally score as Close Custody pursuant to the CVS instrument;
- 210 b. As convictions of Major A violations affect the CVS score, all inmates will be reclassified via the CVS by the Facility Caseworker following each conviction. If segregated and the 211 212 reclassification denotes a Close Custody level, the inmate will be housed in a Close Custody 213 housing unit (after segregation time is complete), pending a review by the CCMT.
 - c. Inmates who naturally score medium custody, but are discovered to have threatened the security or normal operations of the facility by means of involvement in (but not limited to) an escape (actual, attempted or conspiracy); acts of violence; associations with Security Threat Groups which pose a threat to the security of the facility; charged with a Major A disciplinary infraction; or any other behavior as identified in Section 1.b, of this directive may be placed in close custody.
- 220 d. General population inmates classified by the CVS instrument as close custody or medium custody, but who have been involved in recent behavior (within 60 days) as identified in Sections 1.b. and 5.c. of this directive, will immediately be brought to the attention of the 222 223 Casework Supervisor or Living Unit Supervisor.
- 224 e. Close Custody inmates may be overridden down (3D) in some circumstances, including but 225 not limited to, where the inmate 1) has a high CVS score due to a criminal charge history, 2) 226 has a history of involvement in violent acts if none of the acts occurred within the most recent

227 60 days, 3) was indirectly involved in a conspiracy to escape, 4) was trafficking contraband
228 within the facility, or 5) was involved as an active participant in a major facility disturbance.
229 An override down may also be at the recommendation of the CCMT. All overrides will be
230 approved by the Facility Superintendent. Inmates overridden down by one facility and
231 relocated to another facility will be considered for placement in general population or other
232 appropriate housing. Any conflicting information regarding the appropriate custody level or
233 housing will be resolved by the Director of Facility Operations.

6. Procedure for Close Custody Classification

- a. Upon review of the CVS results in Section 5. a. and b., the Casework Supervisor or Living Unit Supervisor will complete Part 1 of the Recommendation for Close Custody Housing Form (Attachment 1) which provides the recommendation to the Security and Operations Supervisor for the most appropriate housing assignment (general population or close custody). This initiates the close custody packet.
- b. After a complete review of all information that caused the inmate to be considered for close custody, the Security and Operations Supervisor shall make the determination to house the individual in the safest housing assignment pursuant to the individual's needs and document the findings in Part 1 of the Recommendation for Close Custody Housing Form.
- c. If the Security and Operations Supervisor believes an inmate poses a risk to the safety and security of the facility, and further determines that a Close Custody Housing assignment is the safest placement for that inmate, they will document the reasons for placement on the Recommendation for Close Custody Housing Form and have the inmate relocated to this type of housing (either within the facility or transferred to another facility). The SOS will attach all supporting documents electronically to the Recommendation form and forward the entire close custody packet to the Close Custody Management Team (CCMT) for review and recommendation of continued placement.
- d. Inmates who are recommended for placement in a Close Custody Living Unit, but are not currently in a facility that maintains a Close Custody Living Unit, and who need to appear for a court hearing will be placed in Administrative Segregation until such time that the court appearance is complete, or they are relocated to a Close Custody Housing Unit, or their custody level lowers to medium custody.
- e. The Security and Operations Supervisor will make a recommendation to the Facility Superintendent to override the custody classification to medium custody for inmates who the SOS does not believe pose a risk to the safety and security of the facility. The SOS will then document such on the Recommendation for Close Custody Housing Form. The Facility Superintendent will complete the form with final approval or denial.
- f. The CCMT will meet (1x week) weekly to review all new placements in a close custody living unit. Each review will consist of reviewing the reasons for placement, meeting with the individual and reviewing the inmate's well being and adjustment for this type of housing.

- 265 g. The CCMT will document their findings, recommendation for continued placement or removal, and follow-up actions in Part 2 of the Recommendation for Close Custody Housing 266 Form and forward to the Superintendent for final approval. 267 268 h. The Facility Superintendent will review all prepared documentation and recommendations and will complete Part 2 of the Recommendation for Close Custody Housing Form with the 269 decision to continue close custody placement or to override the decision to another, more 270 271 appropriate custody level and housing. 272 i. All inmates who are approved for close custody housing will be provided a specific 273 behavioral plan from the Caseworker (developed in conjunction with the inmate) and CCMT, 274 and be required to follow its provisions in order to be considered for release to general population. 275 276 7. Thirty and Sixty Day Reviews 277 a. Thirty (30) Day Review: 278 i. Any inmate with an SFI designation will have a review of their close custody placement 279 completed by the CCMT no longer than every thirty (30) calendar days. The Committee will review: 280 281 overall well being and adjustment; 282 any changes to the placement criteria. 283 Based on this review, the CCMT will make any recommendations to the inmate's case 284 plan and/or behavioral plan and recommend whether to continue the inmate's placement 285 in close custody housing or release them to general population. 286 ii. Any inmate whose behavior plan designates a thirty (30) day review or benchmarks every 287 thirty (30) days will be reviewed. The CCMT will review: 288 o overall well being and adjustment; 289 compliance with behavioral plan; 290 any mitigation of the placement criteria resulting in the assignment to close custody; 291 Based on this review, the CCMT will recommend continuing placement in close custody 292 housing or release to general population.
- b. Sixty (60) Day Review:

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- i. All inmates assigned to a close custody living unit not reviewed pursuant to the thirty (30) day review criteria will be reviewed on a sixty (60) day basis. During this review and each subsequent sixty (60) day review, the CCMT will review:
 - o a new CVS score completed by the assigned Caseworker;

298	o overall well being and adjustment;
299	o compliance with behavioral plan;
300	o any changes of the placement criteria resulting in the assignment to close custody.
301 302	Based on this review, the CCMT will recommend continuing placement in close custody housing or release to general population.
303 304	ii. All security concerns or reasons for continued placement must be documented on the <i>Recommendation for Close Custody Housing Form.</i>
305 306	iii. Each review will be forwarded to the Facility Superintendent for final approval of continued placement or release from close custody housing.
307	8. Release from Close Custody Housing
308 309 310 311 312	a. Authorization for release from close custody will be made by a Facility Superintendent (or higher) after consideration of the recommendation from the CCMT. Exceptions to this decision will be if mitigating circumstances have been identified prior to the formal review by the CCMT. In these situations, the Facility Superintendent makes the final decision based upon the mitigating information and an assessment of the facility security needs.
313	b. A recommendation for an inmate's release from close custody will be made when:
314 315	 There is an appropriate reduction in an inmate's CVS score naturally and there are no prevailing reasons for continued placement;
316 317	ii. A history of good behavior and positive interaction with staff and other close custody inmates;
318	iii. The CCMT has determined compliance with the most recent behavior plan.
319 320 321 322	c. Release of an inmate with an SFI designation may be initiated by the Chief of Mental Health Services upon establishment of an alternative placement for the inmate that is in the best interest of their mental health treatment, while not compromising the secure and orderly operation of the facility.
323	TRAINING
324 325	It is the responsibility of the Facility Superintendents to ensure that all affected staff are trained in this Administrative Directive.

QUALITY ASSURANCE

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The Director of Facility Operations in conjunction with the Security and Compliance Audit auditing team will, through the use of established auditing procedures, monitor compliance with this directive. 327

329 ATTACHMENT 1 SAMPLE

State of Vermont Department of Corrections Recommendation for Close Custody Housing Form						
Inmate's Name: Facility:	Date:					
Current Custody Level: Date of Last CVS:	Current Living Unit:					
Part I	- Placement					
Ensure all supporting documentation is scanned and saved in	file along with this form if placement in Close Custody is supported.					
CVS score: Recommendation for the most appropriate housing: New Custody Level:						
Does this recommendation rec	uire an override? Yes No					
Recommend override up for the following reasons: Recommend override down for the following reasons: Recommend override down for the following reasons: High CVS due to charges No violence in last 60 days Active participant in disturbance Major A DR Infraction Security Threat Group Affiliation Other Other						
CWS/LUS Narrative explanation:						
CWS/LUS Sign: Did SOS review all information considered for placement? Yes No SOS housing determination: Did SOS agree with CWS/LUS recommendation? Yes No If no, why? Is the inmate SMI/SFI? Yes No If yes, were contraindications checked? Yes No QMHP approve this housing? Yes No If yes, who and if no, why?						
Part I	I - Approval					
CCMT needs to review each placement into Close Custody within 7 business days Review reasons for placement Comments from CCMT:						
Meet with the inmate Review inmate's well being Recommend adjustment Yes to housing? No If yes, house where? Recommend	n Close Custody CCMT Chair Signature:					
Superintenda	nt/designee decision:					
Continue Close Custody Remove from Close Custody and move inmate to Superintendant/designee Comments:						
	Supt/Designee Signature:					

331 **ATTACHMENT 1 SAMPLE – PG2**

Part III - Review(s)						
Note all SMI/SFI inmates and those whose behavior plan require it receive a 30 day review						
Date of review:	Recommendation: Reasons for decision	Continue Close Custody placement	○ Release to general populaition			
Type of review:						
Reviewed by:						
Date of review:	Recommendation:	Continue Close Custody placement:	Release to general populaition			
Type of review:						
Reviewed by:						
Date of review:	Recommendation:	C Continue Close Custody placement	C Release to general populaition			
Type of review:						
Reviewed by:						
Date of review:	Recommendation:	C Continue Close Custody placement:	C Release to general populaition			
Type of review:						
Reviewed by:						
Date of review:	Recommendation:	C Continue Close Custody placement	C Release to general populaition			
Type of review:						
Reviewed by:]					
Date of review:	Recommendation:	Continue Close Custody placement:	C Release to general populaition			
Type of review:						
Reviewed by:						
Date of review:	Recommendation:	Continue Close Custody placement	Release to general populaition			
Type of review:						
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